

## Message Text

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70

ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 IO-13 SCCT-01 EB-07 AID-05 PC-01 SY-05 /091 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4209

INFO USCINCSO

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EO 11652 NA

TAGS: PINS ASEC VE

SUBJ: NIEHOUS SUSPECTS TO BE INDICTED

REF: CARACAS 9268

1. THE JUDGE OF THE THIRD MILITARY COURT OF THE FIRST INSTANCE WILL BEGIN AUGUST 2 TO REVIEW THE EVIDENCE AGAINST 16 SUSPECTS IN THE NIEHOUS KIDNAPPING CASE WHICH COULD LEAD TO THEIR INDICTMENT BY THE COURT. INCLUDED AMONG THE 16 ARE DISIP DETAINEES IVAN PADILLA, FRAINCSO CEDENO, DAVID NIEVES, LILIA PEREZ, BERENICE RONDON, AND SARA GODOY. TWO OTHER SUSPECTS ARE MEP DEPUTY SALOM MEZA AND INDEPENDENT DEPUTY FORTUNATO HERRERA. SHOULD INDICTMENTS ALSO BE RETURNED AGAINST THEM, THE GOV WILL PETITION THE SUPREME COURT AND THE CONGRESS TO LIFT THE DEPUTIES' PARLIAMENTARY IMMUNITY TO PERMIT THEIR ARREST AND SUBSEQUENT TRIAL AS ACCOMPLICES.

2. INVESTIGATORS FROM THE FISCAL GENERAL'S OFFICE WILL HAND IN THEIR REPORT THIS WEEK WITH REGARD TO THE DEATH JULY 25 OF LEFTIST LEADER JORGE RODRIGUEZ AT THE HANDS OF DISIP OFFICIALS. THE REPORT IS EXPECTED TO LEAD TO PROCEEDINGS AGAINST 4 DISIP OFFICIALS IMPLICATED IN RODRIGUEZ'S DEATH. IN A SEPARATE ACTION, THE INTERIOR RELATIONS COMMITTEE OF THE CHAMBER OF DEPUTIES BEGINS ITS INVESTIGATION AUG 2 INTO THE TORTURE/DEATH OF

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RODRIGUEZ.

3. PRESIDENT PEREZ MET FOR FOUR HOURS JULY 31 WITH INTERIOR MINISTER OCTAVIO LEPAGE, AD DEPUTY DAVID MORALES BELLO, AND ERASTO FERNANDEZ, SPECIAL COMMISSIONER OF THE PRESIDENCY AND FORMER HEAD OF THE SECURITY POLICE(DIGEPOL), TO DISCUSS THE NIEHOUS CASE. AFTERWARDS LEPAGE TOLD THE PRESS THAT THE VENEZUELAN POLITICAL SITUATION WAS "COMPLETELY NORMAL." HE DENIED THAT THERE HAD BEEN ADDITIONAL ARRESTS IN THE NIEHOUS CASE. FISCAL GENERAL JOSE RAMON MEDINA ANNOUNCED AUG 1 THAT 3 PERSONS DETAINED BY THE POLICE LAST WEEK IN GUARICO STATE HAVE BEEN RELEASED. MEANWHILE, A DISIP SPOKESMAN STATED JULY 31 THAT A WIDESPREAD SEARCH FOR NIEHOUS' HIDING PLACE WAS CONTINUING BUT THE POSSIBILITY THAT NIEHOUS IS NOW OUTSIDE OF VENEZUELA COULD NOT BE RULED OUT.

4. COMMENT. THE NIEHOUS SUSPECTS WILL BE TRIED BY THE MILITARY COURTS BECAUSE IT IS A CRIME UNDER THE VENEZUELAN MILITARY CODE OF JUSTICE FOR PARAMILITARY GROUPS TO ENGAGE IN SUBVERSIVE ACTIVITIES AIMED AT OVERTHROWING DEMOCRATIC GOVT. OTHER TERRORISTS HAVE BEEN TRIED BY THE MILITARY COURTS IN THE PAST AND HANDLING OF THE NIEHOUS SUSPECTS BY THE MILITARY RATHER THAN THE CIVILIAN COURTS IS NOT THEREFORE UNEXPECTED. HOWEVER, APPARENTLY THE LEVEL OF EVIDENCE REQUIRED TO CONVICT BEFORE A MILITARY COURT IS LESS RIGOROUS THAN THAT WHICH CIVILIAN COURTS WOULD REQUIRE. SHOULD THEIR PARLIAMENTARY IMMUNITY BE LIFTED, DEPUTIES MEZA AND HERRERA WILL ALSO BE CHARGED UNDER THE MILITARY CODE.  
VAKY

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## Message Attributes

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